

Amendment under 37 C.F.R. § 1.116  
USSN 10/018,139

### **REMARKS**

Claim 1 has been amended to include recitations like those set forth in original claim 17, which the Examiner indicated in the previous Office Actions as being a claim that would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 1 has also been amended to resolve an issue raised by the Examiner under 35 U.S.C. 112, second paragraph, as have claims 12 and 13. Claim 8 has been amended simply to make editorial changes. Claim 14 has been amended to incorporate the recitations of claim 17, which is a claim that the Examiner has indicated as being a claim that would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Since it is believed that the above amendments place the application in condition for allowance based on the Examiner's previous indications of what would be allowable, entry of the above amendments is respectfully requested.

### **Rejection under 35 U.S.C. 112, Second Paragraph**

On page 2 of the Office Action, claims 1-13 and 18 are rejected under 35 U.S.C. 112, second paragraph, apparently because the Examiner considers the term "desired wavelength dispersion characteristics" indefinite.

To obviate this issue and expedite allowance, Applicants have amended the claims to delete the term "desired wavelength dispersion characteristics".

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In view of the above, Applicants submit that the amended claims satisfy the requirements of 35 U.S.C. 112, second paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

### **Art Rejections**

On page 2 of the Office Action, in paragraph 5, claims 1, 10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tung or Lazear. Further, on page 2 of the Office Action, in paragraph 6, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazear.

To obviate these rejections and expedite allowance, Applicants have amended independent claims 1 and 14 to incorporate the recitations of claim 17, which is a claim that the Examiner has indicated as being a claim that would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Thus, Applicants submit that claims 1 and 14 should be allowable. Since claims 10 and 11 depend on claim 1, and since claim 16 depends on claim 14, claims 10, 11, and 16 should be allowable as well.

In view of the above, Applicants submit that the present claims are patentable over Tung and Lazear. Accordingly, withdrawal of these rejections is respectfully requested.

### **Objection to Claims 15 and 17**

On page 4 of the Office Action, in paragraph 9, the Examiner has objected to claims 15 and 17 as being dependent upon a rejected base claim, but has indicated that they would be

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allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for indicating that claims 15 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the Examiner's indication, Applicants have amended independent claim 14 (and independent claim 1) to incorporate the recitations of claim 17. Thus, claim 14 is in essence claim 17 in independent form and should be allowable. As claim 15 depends on claim 14, claim 15 should now be allowable as well.

#### **Allowable Claims**

On page 4 of the Office Action, in paragraph 10, the Examiner has indicated that claims 2-9 and 18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in the present Office Action and to include all of the limitations of the base claim and any intervening claims. Also, on page 4 of the Office Action, in paragraph 11, the Examiner has indicated that claims 13 and 14 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in the present Office Action.

Applicants thank the Examiner for indicating that claims 2-9 and 18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims, and for indicating that claims 13 and 14 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in the present Office Action. Based on the above amendment of claim 1

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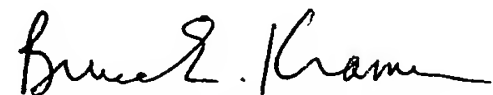
(upon which claims 2-9 and 18 directly or indirectly depend) and claims 13 and 14, Applicants submit that claims 2-9, 13, 14 and 18 should now be allowable.

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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